

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal No. 8425 Royal Siamese Government, Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and carried, with Mr. Hatton dissenting, the following Order was entered at the meeting of the Board on March 10, 1966.

EFFECTIVE DATE OF THIS ORDER -- March 15, 1966.

ORDERED:

That the appeal to erect vertical antenna 29 feet high on roof of existing building and to erect a light weight log periodic antenna 82 feet above the ground at the rear of existing building at 2300 Kalorama Road, NW., lot 811, square 2522, be denied.

As a result of an inspection of the property by the Board, and from the records and evidence adduced at the hearing, the Board finds the following facts:

FINDINGS OF FACT:

(1) All diplomatic and legal requirements for the operation of a radio transmitter by the Royal Siamese Government at the subject location have been fulfilled.

(2) The Department of State has advised the Royal Siamese Government that permission of the appropriate authorities of the District of Columbia Government will be required for the construction of the antennae involved in this appeal.

(3) Section 6(c) of the Act of June 20, 1938, as amended by the Act of October 13, 1964, confers no original jurisdiction of the Board of Zoning Adjustment to determine what is construction, alteration, repair, etc. of a chancery building. Such original jurisdiction is conferred solely on the Zoning Administrator, to be exercised upon application being made for appropriate licenses. Any decision of the Zoning Administrator may be appealed to this Board.

(4) Upon application by the Royal Siamese Government for licenses to construct the antennae in question, the Zoning Administrator ruled that such construction did not constitute construction, alteration, repair, conversion or occupation of "a building for use as a chancery" and therefore was not prohibited by Section 6(c). The Zoning Administrator would have approved licenses to construct both antennae if the heights thereof had been within limits imposed by the Zoning Regulations.

(5) In this appeal as presented, and in the absence of any appeal from the ruling of the Zoning Administrator as set forth above, the sole questions to be decided by this Board are those under Sections 3201.23, 3101.47, and 8207.2.

(6) The neighborhood in which the antennae are proposed to be located is restricted to a building height of 40 feet. The zoning is R-1-B.

(7) The existing building is 49 feet 10 inches in height and appellant proposes to install an antennae that will extend 29 feet above the roof of the building. Appellant also proposes to erect an antennae 82 feet high in the rear yard.

(8) Seventy-eight protest letters on file. Sheridan-Kalorama Neighborhood Council. Five present at hearing - all protest.

(9) The Board finds compliance with the requirements of Sections 3101.47(b) and (c). The record does not establish conclusively that other transmission equipment could not provide satisfactory communication, and the Board therefore cannot find compliance with Section 3101.47(d). The Board finds no compliance with Section 3101.47(a) and 8207.2.

(10) In view of the findings of lack of compliance with certain requirements of the Zoning Regulations the Board will not submit the application to the National Capital Planning Commission for review and report.

OPINION:

The Board is very mindful of the international relations of the Government of the United States and has sought in this appeal and in others to accommodate those interests if it is possible to do so.

However, the Board cannot find, as it is required to do, that the construction of antennae of the height proposed, in this or any similarly zoned neighborhood, would not have an adverse effect on the neighborhood and would not tend to affect adversely the use of neighboring property in accordance with the zoning regulations and maps.

The appeal must therefore be denied.

Mr. Hatton: I am in full agreement with the majority on the merits of the appeal, however, it is necessary for me to dissent since the appeal was not submitted to the National Capital Planning Commission as required under subsection 3101.7(e).